

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

L.P. GROUP 2, INC.,

Plaintiff,

v.

THE CITY OF PHILADELPHIA,
PERRITTI DIVIRGILIO, JAMES
FERRARO, and JOHN DOES (1-10),

Defendants.

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CIVIL ACTION NO. 13-7484

ORDER

AND NOW, this 19th day of June, 2015, after considering the motion of the defendants the City of Philadelphia, Perritti DiVirgilio, and James Ferraro to dismiss the complaint (Doc. No. 34), and the response in opposition filed by the plaintiff, L.P. Group 2, Inc. (Doc. No. 36); and after reviewing the complaint (Doc. No. 1, Ex. 1) and hearing argument of counsel, it is hereby **ORDERED** that the motion to dismiss (Doc. No. 34) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The motion, insofar as the defendants assert that the court should dismiss the causes of action for breach of contract in Counts III and IV of the complaint, is **GRANTED** and Counts III and IV are **DISMISSED**;

2. The motion, insofar as the defendants assert that the court should dismiss Counts I, II, and V of the complaint based upon *Younger v. Harris*, 401 U.S. 37 (1971), is **GRANTED** only as to the forms of relief sought in subparagraphs (a), (b), (c), and (d) of the ad damnum clauses in Counts I, II, and V of the complaint, and **DENIED** as to the forms of relief sought in subparagraph (e) of Counts I, II, and V of the complaint;

3. This action is **STAYED** pending further order of court; and

4. The Clerk of Court is directed to place this matter in **CIVIL SUSPENSE**.

BY THE COURT:

/s/ Edward G. Smith, J.
EDWARD G. SMITH, J.